



LAPIN YLIOPISTO
UNIVERSITY OF LAPLAND

University of Lapland



This is a self-archived version of an original article. This version usually differs somewhat from the publisher's final version, if the self-archived version is the accepted author manuscript.

Safeguarding Cultural Rights of Sámi Children and Youth in Finland, with Special Emphasis on the Linguistic part of Cultural Identity

Joona, Tanja Leena

Published in:
The yearbook of polar law

DOI:
[10.1163/22116427_009010006](https://doi.org/10.1163/22116427_009010006)

Published: 08.12.2018

Document Version
Version created as part of publication process; publisher's layout; not normally made publicly available

Citation for pulished version (APA):
Joona, T. L. (2018). Safeguarding Cultural Rights of Sámi Children and Youth in Finland, with Special Emphasis on the Linguistic part of Cultural Identity: Current Challenges. *The yearbook of polar law*, 9, 109-129.
https://doi.org/10.1163/22116427_009010006

Document License
Unspecified



BRILL

THE YEARBOOK OF POLAR LAW IX (2017) 109–129

Yearbook of
Polar Law

Safeguarding Cultural Rights of Sámi Children and Youth in Finland, with Special Emphasis on the Linguistic Part of Cultural Identity – Current Challenges

*Tanja Joona**

Abstract

The article examines the common global phenomenon of indigenous urbanization. In Finland, more than 75% of the indigenous Sámi children are born outside the Sámi Homeland area. The development is fast and poses different kind of challenges for the entire Sámi society and culture. Youth and women are more likely to settle in urban areas and it is their Sáminess that is to survive or die in the cities. Indigenousness is no longer tied with traditional livelihoods or land use but instead requires other forms of cultural maintenance. In the contemporary situation Sámi have started through their own associations and networks require more appropriate services in the cities, including Sámi language learning in the schools and kindergartens. This is not always satisfactory. The article evaluates the existing international and domestic (Finland) legislation in regard to Sámi language, but also the implementation of these rights in practice.

The author would like to acknowledge that the article is based on a joint research project called NUORGÁV – An urban future for Sápmi?, between Norway, Sweden, Finland and Russia, where it is studied how Sámi youth organise and network to impact urban Sámi policy. The project is funded by the Research Council of Norway and administrated by Norwegian Institute for Urban and Regional Research (NIBR).

Keywords

indigenous urbanization – Sámi – children – cultural rights – education – youth

* Senior researcher, Chair of the Doctoral Programme Communities and Changing Work, University of Lapland, Arctic Centre.

1 Introduction

The Sámi are an indigenous people living in four nation states: Finland, Sweden, Norway and Russia and they have their own culture and customs, beliefs and identity and some of them still practice special traditional livelihoods, like reindeer herding, fishing and hunting. However, the modern and globalized world has also affected the Sámi society in a way that has been fast in development. This process in general, as encouraging as it is, has not perhaps paid the distinct consideration to the rights of indigenous children and youth, at least in a way they deserve. The global demographic phenomenon of urbanization affects indigenous peoples all over the world.¹ This is also happening in the Nordic countries where youth and women are more likely to settle in urban areas.²

The article evaluates the human right situation of Sámi children and youth in the Nordic context, especially in Finland. Special attention is paid on the international and national legal commitments in safeguarding the cultural rights of the Sámi children and how these rights are realized in practical level, especially in the cities, where more than 60% of the Finnish Sámi live at the moment. The association of "authentic" indigenousness with rural and/or traditional economic activities is articulated by both members of the majority and the indigenous community, making maintenance of urban indigenous identity particularly challenging.³ The article reflects also the urban Sámi identities that have quite widely been researched earlier in the Nordic countries.⁴ Also the situation of Sámi education, especially in Finland, has been evaluated recently⁵. However, there are not many studies done from the human rights point of view, so this article contributes to the discussion from this point. The article takes an interdisciplinary approach combining the methods of

- 1 See more UNHABITAT *Urban indigenous peoples and migration: A review of policies, programmes and practices*. United Nations Housing Rights Programme Report No. 8. Nairobi: UN-HABITAT/OHCHR. 2010.
- 2 Sørli & Broderstad, *Flytting til byer fra distriktsområder med samisk bosetting*. Samarbedsrapport NIBR/UiT-Senter for samisk helseforskning. 2011; Broderstad, A. R. & K. Sørli, *Bo- og flyttetrender i norsk-samiske kommuner gjennom 40 år i relasjon til sysselsetting*. Rapport 1/2012 Samiske tall forteller 5 Kommentert samisk statistikk, 2012.
- 3 Gjerpe K. K. *The best of both worlds, Conceptualizing an urban Sámi identity*. Master degree, U. Tromsø, 2013; Dankertsen, Astri, *Men du kan jo snakke frognersamisk! "Tradisjon og kulturell innovasjon blant samer i Oslo*. Masteroppgave, Universitet i Oslo, 2006.
- 4 Pedersen, Paul, Nyseth Torill, *Same i byen eller bysame? Skandinaviske byer i et samisk perspektiv*. Forfatterens Forlag, Vaasa, 2015; Nyseth & Pedersen, *Urban Sámi Identities in Scandinavia: Hybridities, Ambivalences and Cultural Innovation. A Nordic Journal of Circumpolar Societies*. Acta Borealia, 2014. Vol. 31, No. 2, 131–151.
- 5 Keskitalo Pigga, Määttä, Kaarina & Uusiutu, Satu, *Sámi education in Finland, Early Child Development and Care*, 182:3–4, 329–343, DOI:10.1080/03004430.2011.646723 Sámi Education in Finland, 2012.

international law and international relations. The data consists of qualitative materials and interviews, but also some statistical data is provided.

Sámi languages are the closest cognate languages of Finno-Ugric languages (such as Finnish, Hungarian, and Estonian). The Sámi languages are spoken in Finland, Sweden, Norway, and Russia. Many Sámi people have lost their original language under the pressure of the official policy by the states. The assimilation policy started already in the seventeenth century launched by the church, strengthened at the end of nineteenth century and escalated after the Second World War.⁶ Anna-Riitta Lindgren has brought out the Sámi's reactions to often quite traumatic childhood experiences, which varied from the most intensive Sámi activism to the total abandonment of the Sámi language and culture.⁷ Ethnic awakening starting from the 1960s has led to the conscious protection of the Sámi language and various revitalisation actions. Since the mid-1970s, the revised and renewed school laws have improved the Sámi's situation in the Nordic countries. Despite the positive development, the Sámi languages are categorized as endangered.⁸ The Sámi languages still hold such a position that the process of changing the language continues regardless of the language revitalisation aspirations.⁹

This article also emphasizes the ongoing debate in Finland related to the status and identity of a Sámi individual. Much of this has to do with the history described above. The situation is complex, also paradoxical in many ways.¹⁰ In order to understand the problems related to identity, one must look at the Finnish legislation. This is due to the fact that Finland is a society with a legalistic tradition and many issues are examined through legislation. One has to also bear in mind that the starting point is very different compared to Sweden and Norway, where the discussion on the Sami Parliament (*Sámediggi* in the North-Sámi language) electoral rolls are more trivial or minor when it is discussed in the identity-context, while in Finland the whole indigenous status is

- 6 Aikio, M. *Saamelaiset kielenvaihdon kierteessä* ". *Kielisosiologinen tutkimus viiden saamelaiskylän kielenvaihdosta 1920–1980* [The Sámi in the vortex of language exchange. A language-sociological research on language exchange in five Sámi villages between 1920 and 1980]. Helsinki: Finnish Literature Society, 1988.
- 7 Lindgren, A.-R., *Helsingin saamelaiset ja oma kieli* [The Sámi of Helsinki and their own language]. Helsinki: Finnish Literature Society, 2000.
- 8 UNESCO Atlas of the World's Languages in danger, <http://www.unesco.org/languages-atlas/index.php>. (accessed 27 November 2017).
- 9 Keskitalo, Pigga, Määttä, Kaarina & Uusiautti, Satu, *Sámi education in Finland, Early Child Development and Care*, 182:3–4, 329–343, DOI:10.1080/03004430.2011.646723 *Sámi Education in Finland*, 2012, 5. See also, Sarivaara, *Statuksettomat saamelaiset. Paikantumisia saamelaisuuden rajoilla*. Dieđut 2/2012. Sámi allaskuvla: Guovdageaidnu (Koutokeino), 2012.
- 10 See more Mouffe, Chantal, *The Democratic Paradox*, Verso, London 2005.

connected with the right to be marked into the electoral register of the Sámi parliament. This is further elaborated below. The discussion in general however, is important for the future of the whole Sámi society.

The Sami are recognized as an indigenous people in the Finnish Constitution (Section 17§). Sami individual is defined under the Sami Act (Section 3§) and means a person who considers himself a Sámi, provided:

1. That he himself or at least one of his parents or grandparents has learnt Sámi as his first language;
2. That he is a descendent of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp; or
3. That at least one of his parents has or could have been registered as an elector for an election to the Sámi Delegation or the Sámi Parliament.

The issue of Sámi identity, who is accepted to the electoral roll of the Sámi Parliament and who gets the official Sámi status in Finland has been going on since end of the 1990's when the first Sami Parliament elections have been held. The Finnish Sami Parliament has been quite restrictive in terms of accepting people in the roll.¹¹

TABLE 1 Changes in the Sami population in Finland from 1992 to 2011^a

Year	Sami home- land area	%	Outside home- land area	%	All together
1992	3969	62%	2435	38%	6404
1995	4066	59%	2795	41%	6861
1999	4083	54,5%	3419	45,5%	7502
2003	3669	46%	4287	54%	7956
2007	3577	38%	5773	62%	9350
2011	3459	35%	6460	65%	9919

a Sami parliament elections and Sami Delegation elections statistics in Finland. Last updated (17.03.2014), http://www.samediggi.fi/index.php?option=com_docman&task=cat_view&gid=114&Itemid=10 (accessed 27 November 2017).

¹¹ Joona, Tanja *ILO Convention No. 169 in a Nordic Context with Comparative Analysis: An Interdisciplinary Approach*. Juridica Lapponica, 37. Lapland University Press, Rovaniemi, 2012; Joona, Tanja, "The Finnish Sámi Definition and its application". In *Indigenous Rights in Scandinavia, Autonomous Sami Law. Juris Diversitas* edited by Christina Allard, Susann Skogvang Ashgate, Juris Diversitas, Ashgate 2015.

The above table shows that the number of Sámi has grown in Finland from 1992 to 2011 55%. The amount of those Sámi living outside the Homeland area within the same time period has increased 165%. Sámi homeland population decreased 13%. The amount of Sámi is not increasing because Sámi are having more children, but instead of paragraph 3 of the Section 3 of the Sami Act. This means that one's person is accepted into the roll, all his/her descendants are marked whether he/she speaks the language or has any ties with the Sámi culture in practice.

In this context urbanization poses challenges, since 75% of the Finnish Sámi children (younger than 10 years old) are born and living outside their traditional Homeland area.¹² According to the Finnish Sámi Parliament, there are 10,085 Sámi in Finland, of which 64,69% (6681) are living in the capital area of Finland and in the cities of Oulu and Rovaniemi (653 living abroad).¹³

Challenges are also related to the Sámi Language Act¹⁴ according to which Sámi services are only provided at the Sámi Homeland area in the northernmost Finland. The funds provided by the state to maintain the Cultural Autonomy are distributed for the Sámi Parliament, and therefore only in the activities in the Homeland area.

In order to examine the linguistic and cultural rights of the Sámi youth in Finland this article will focus on the following questions: 1) What are the international and national (legal) obligations towards linguistic and educational rights of the Sámi children in Finland and 2) how these rights are implemented in the national level? 3) How is indigenous identity maintained in the cities on a practical level? The approach starts with commitments related to international and national law/treaties and continues how these are actually implemented (realized) for example, at the kindergarten level (Rovaniemi, Helsinki), in practice. The article begins with a short and general introduction of characteristics related to Sámi culture in Finland which helps better understand also the current challenges related to Sámi education, subjectivity and identity.

This article is a product of a joint research project called "NUORGÁV – An urban future for Sápmi? The influence of Sámi youth organising and political networking on the Sámi policies of Nordic cities". The project is conducted within Norway, Sweden, Finland and Russia, and financed by the Norwegian Research Council and led by the Norwegian Institute for Urban and Regional

12 Saamelaiskäräjien toimintaohjelma ja taloussuunnitelma 2016–2019. The budget and activity plan of the Finnish Sámi Parliament for the years 2016–2019, http://www.samediggi.fi/index.php?option=com_docman&task=cat_view&gid=117&Itemid=10 (accessed November 27 2017).

13 *Ibid.*

14 Act on the use of the Sami language before the authorities 516/1991 English; and the Sámi Language Act. 1086/2003.

Research (NIBR). The aim of the project is especially to study how Sámi youth organise and network to impact urban Sámi policy. In Finland these reflect the question of Sámi identity and the right holder position under domestic and international law.

2 International Legal Commitments

The development concerning the rights of indigenous peoples in recent years has received growing national and international attention and considerable progress has been made towards the promotion of their rights.¹⁵ However, the norms and principles relevant to the theme of the article are those incorporated in the instruments concluded within the auspices of the United Nations (UN) and its specialized agencies as well as regional organisations such as the Council of Europe. The international acknowledgement of the need to protect the special features of these groups as an enriching factor in societies is rather a recent development in the international fora.¹⁶

Regarding the founding instruments of modern human rights law, references to minorities or indigenous peoples can be found neither in the 1945 Charter of the United Nations nor in the 1948 Universal Declaration of Human Rights. The two UN Covenants adopted by the UN General Assembly in 1966 – the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) – are silent about indigenous peoples.¹⁷ For minorities, however, the adoption of the ICCPR and the incorporation of the minority Article 27 therein constituted a step forward in the international recognition of minority rights. The ICCPR

15 Important landmarks in indigenous peoples' rights have been the establishment of the Working Group on Indigenous Populations in 1982, the 1989 Convention on the Rights of a Child, the 1989 International Labour Convention No. 169 concerning Indigenous and Tribal Peoples in Independent countries, the International Decade of the World's Indigenous Peoples (1995–2004), the establishment of the Permanent Forum on Indigenous Issues in 2000 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007.

16 For a short summary on the historical background of the protection of minorities see for example, Francesco Capotorti, Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, UN Doc. E/CN.4/Sub.2/384/Rev.1, particularly 1–4 and 16–31.

17 Merja Pentikäinen, in Aikio Puoskari & Pentikäinen, *The language Rights of the Indigenous Saami in Finland – under Domestic and International Law*. Juridica Lapponica 26, University of Lapland 2001, 71–72.

was also noted to be the first international instrument to protect explicitly the language rights of minorities, which are also the focus of this article.¹⁸

There are several international legal provisions relevant to the language rights of the Sámi. They are found in instruments concerning minorities, minority languages, and indigenous peoples. For example the *International Covenant on Civil and political Rights* in general and especially Articles 18 and 24,¹⁹ the *Convention on the Rights of the Child*,²⁰ the *Declaration on the Rights of Persons Belonging to National or Ethnic, religious and Linguistic Minorities*,²¹ *ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent States*,²² *UNESCO Convention against Discrimination in Education*,²³ *International Convention on the Elimination of All Forms of Racial Discrimination*,²⁴ *Convention for the Protection of Human Rights and Fundamental Freedom (European Convention on Human Rights)*,²⁵ *Framework Convention for the Protection of National Minorities*²⁶ and the *Charter of Fundamental Rights of the European Union*.²⁷

The above-mentioned Conventions and declarations show that indigenous children in general have a strong position in international law. They have the right to identity, culture and languages and they have the right to belong an indigenous community or nation.

18 *Ibid.*

19 Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (xxi) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

20 Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49.

21 Adopted by General Assembly resolution 47/135 of 18 December 1992.

22 Convention concerning Indigenous and Tribal Peoples in Independent Countries (Entry into force: 05 Sep 1991) Adoption: Geneva, 76th ILC session (27 Jun 1989).

23 Paris, 14 December 1960.

24 Adopted and opened for signature and ratification by General Assembly resolution 2106 (xx) of 21 December 1965, entry into force 4 January 1969, in accordance with Article 19.

25 Rome on 4 November 1950 and came into force in 1953, http://www.echr.coe.int/Documents/Convention_ENG.pdf.

26 Council of Europe, Framework Convention for the Protection of National Minorities, 1 February 1995, ETS 157, available at: <http://www.refworld.org/docid/3ae6b36210.html>.

27 Charter of Fundamental Rights of the European Union, 2012/C 326/02; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.

3 National Legal Commitments in Finland

Fundamental language rights traditionally enjoy strong protection under the Finnish Constitution. Especially articles 16§ (educational rights) and 17§ (the right to culture and language) have special meaning for the Sámi.²⁸ The constitutional legislation was renewed in 1999 by compiling the previous four constitutions into one. The new constitution came into effect on 1 March 2000. The basic rights of the Sámi were legislated first with the change of constitution in 1995. The equivalent regulation in the new constitution is in the second chapter, which concerns the basic rights (17§, 3rd subsection):

The Sámi as an indigenous people, the Roma and other groups have the right to preserve and develop their own language and culture. The right to use the Sámi language when associating with the authorities is legislated.

The Sámi right to self-government was first legislated at the beginning of 1996 with the Constitution Act (51 a). The equivalent regulation in the new constitution can be found in the 11th chapter concerning administration and self-government. According to the 4th subsection in 121§:

The Sámi have self-regulation concerning their language and culture in their homeland, as has been legislated.

A self-government body, the Sámi Parliament, was legislated in 1995 for realising cultural self-government. Thus, the Sámi Parliament realises the purpose that is laid down for it in the Constitution.

The Sámi language Act and the first general decrees concerning the Sámi language came into effect in 1992. The language act was revised in 2003. The Sámi language act includes the Sámi's rights to use their native language in court and with other authorities in state and municipal agencies in the public utilities, and offices. The language act is effective in municipal organs in the Sámi Homeland Area.²⁹ The purpose of the law is to guarantee the Sámi the right to fair legal proceedings and good administration as well as execution of the Sámi's linguistic rights without having to invoke the law separately. Regulations on the Sámi's linguistic rights are written in the legislation of the school and education system (*e.g. Basic Education Act*, 628/1998) and social welfare and health care (*e.g. Act on Children's Day Care*, 1973/36). In addition,

²⁸ See: *supra* note 18.

²⁹ Saamen kielilaki [The Sámi Language Act]. 1086/2003.

the Sámi Language Act has to be applied by authorities when adapting the law on patients' position and rights (785/1992) and social welfare customers' position and rights.³⁰

3.1 *Sámi Languages in Finland*

The Sámi languages belong to the indigenous languages of Europe and are most closely related, within the Uralic language family, to the Baltic-Finnic languages (such as Finnish and Estonian). Sámi is spoken in Finland, Sweden, Norway and Russia. Many Sámi have lost their original language under the pressure of the official policy by the states.

In Finland, there are speakers of three Sámi languages: North Sámi, Inari Sámi and Skolt Sámi. In Finland, North Sámi (*davvisámegiella*) is spoken by approximately 2000 people.³¹ Inari Sámi (*anarâškielâ*) is spoken exclusively in Finland. Skolt Sámi (*sää'mk'ïöll*) is spoken in Finland and in Russia. In Finland, both languages have approximately 300 speakers, most of who live in Inari, the only municipality in Finland with four official languages: Finnish and three Sámi languages. One has to bear in mind that the figures are estimations because, for example, in Finland, they are based on people's own declarations built on their subjective assessment on their language proficiency. The members of an assimilated people may regard their language proficiency so low that they declare the dominant language as their native language.³²

Under the pressure of the dominant languages, many Sámi have lost their ability to speak their original language. Since the ethnic awakening in the 1960s, a variety of measures have been taken to preserve the Sámi languages and bring them back to life.

The Sámi Language Act of 1992, revised in 2004, made Sámi an official language. The Sámi have the right to use the Sámi languages, without prior request, when dealing with any state or municipal authorities or enterprises within the Sámi Homeland. The authorities have the obligation to ensure that these linguistic rights are secured in practice. In Utsjoki, the only municipality in Finland with the Sámi as a majority, Sámi and Finnish have nearly equal status.

30 Vuolab-Lohi, K. 2007. *Pohjoissaamen kielen tilanne sekä kehittämistarpeet* [The situation of the North Sámi language and its development needs], <http://www.kotus.fi/files/742/pohjoisSelvitys.pdf> (accessed November 27, 2017).

31 Suomen tilastokeskus, The statistical office of Finland.

32 See: *supra* note 18, 332.

3.2 *Education in the Sámi Language*

School teaching in the Sámi language dates back to the early years of the comprehensive school system. It was first provided in the mid-1970s for pupils in Utsjoki and Inari. According to the law, Sámi-speaking pupils living in the Sámi Homeland have the right to receive most of their primary education in the Sámi language. The Sámi language can be the teaching language for the school, or pupils must be able to study it as their mother tongue or as an elective subject.

All primary and lower secondary schools within the Sámi Homeland provide education in the Sámi language. Students leaving lower secondary education have been able to include a North Sámi or Inari Sámi exam in their Matriculation Examination since the 1990s, and Skolt Sámi has been a further option since 2005. Outside the Sámi Homeland, education in and on the Sámi language is scarce, but on the rise. Online teaching is one of the methods used. Teaching materials in the Sámi language are planned and funded by the Education Board of the Sámi Parliament. The Sámi Educational Centre "*Sámi oahpahus guovddáš*", founded to serve the Sámi Homeland and local businesses, is the only institution in Finland providing vocational education in the Sámi language.

The Sámi language can be studied at three universities: Oulu, Helsinki and University of Lapland in Rovaniemi. The *Giellagas Institute of the University of Oulu* has special responsibility for developing the Sámi language, culture and research nationwide, while the University of Lapland has focused on more social sciences and legal studies of indigenous peoples.

Below, the Table 2. shows the amount of pupils studying in Sámi and those who study the Sámi language (2016) in the Finnish Comprehensive Schools and Upper secondary schools (or high schools) outside the Sámi Homeland area.

4 Implementation – Cultural Rights in Practice, Especially in the Cities

The Sámi homeland (Sápmi) stretches across northern Finland, Sweden and Norway and the Kola Peninsula in Russia. Today many Finnish citizens with Sámi roots live in other parts of Finland. Helsinki (and the whole capital area) is considered as the most Sami city in Finland. Other Sami cities are Oulu and Rovaniemi, the phenomenon is the similar in Sweden and Norway. Traditionally, indigenouness is seen to be tied with nature, lands and water. The further north people are living, the connection with the culture and

TABLE 2 OAHPAHUS SÁMEGIELAS JA SÁMEGILLII SUOMA VUOÐÐOSKUVLLAIN JA LOGAHAGAIN
Sámi language teaching and teaching in Sámi language in Finnish Comprehensive Schools and Upper secondary schools. Oahppiid mearit/Students in 2015–2016^a

Region	Lagasoahpahus	Gáiddusoahpahus	Eatnigiella	Vieris giella	Okt
Municipality	Contact teaching	Long distance teaching	Mother language	Foreign language	Total
Espo	5			5	5
Kemi		1 (High sc)		1	1
Helsinki	4	1		4	4
Janakkala		2		2	2
Joensuu		1		1	1
Jyväskylä	3			3	3
Oulu	17 + 6 (High sc)	11 (High sc)	6	11	17
Rovaniemi	16	4	5	15	20
Salla		1		1	1
Sievi		1		1	1
Tampere	5	1 (High sc)	1 (High sc)	5	5
Tornio			2	2	2
Vantaa	5			5	5

a Lapin aluehallintovirasto, Ulla Aikio-Puoskari, miessemánnu/ May 2016.

traditional livelihoods (fishing, hunting, reindeer herding) is possible to maintain. Even though Rovaniemi is not situated in the Sami Homeland area, it is surrounded by forests, rivers and lakes where the special Sami “nature relation” is easier to keep alive. According to Kirsti Paltto,

the nature relation is learned at beside the fire, in the kota (hut) and lavvu with the traditional livelihoods and cloudberry picking. In the Sami homeland area identity is more tight together with language and traditional livelihoods while the city-sami consider “nature relation” more deeper than what the main population have. The nature is the most important spiritual creature that man must live harmony with.³³

33 Kirsti Paltto in Valkonen Jarno, Saamelainen luontosuhde. käytännölliset ja kertomukselliset ulottuvuudet. Jyväskylä, 2005.

Whether and in what way urbanization of the young population challenges Sámi identity is a very current topic of discussion. According to the *Nuoraidráddi* (Youth Council under the [Finnish] Sámi Parliament), it is challenging to maintain the language and culture within the Finnish culture surroundings without any connection to their native roots. In recent years the educational concern regarding the teaching of Sámi and in Sámi is in the legislation only in Sámi Homeland. This has caused a lot of discussion about the rights of the Sámi children who live outside Sámi Homeland. According to the Sámi Parliament, there are no official Sámi policy for those Sámi living in the cities, rather the urban Sámi have their own associations through which they operate.³⁴ In comparison to Norway, the right to Sámi schooling differs also between those living in Sámi Homeland areas and outside Sámi Homeland. Children and youth living in Sámi Homeland have the right to receive all education in Sámi, whereas those living outside the homeland only have a right to language lessons. Different from the Finnish Parliament's youth Committee, the Norwegian counterpart, SUPU, is not focused on the connection between living near native roots and maintenance of language and culture; their focus is more on the need to put public resources into Sámi language education as such, both in Sámi and non-Sámi areas.³⁵

In regard to the practical implementation at the domestic level of the international norms and principles binding upon Finland and the relevant to the Sámi language, according to Pentikäinen it can be generally concluded that the Finnish domestic norms are relatively well in line with international standards.³⁶ This is simply due to the very fact that all international treaties including the most far-reaching obligations concerning the Sámi language have been made part of the Finnish legal order in the manner described above. Consequently, the possible problems of implementation with respect to international standards are not found so much in laws, but rather in the inadequate implementation of the existing norms in practice. It is also to be noted that in some areas the Finnish domestic norms go in fact further than Finland's international obligations. As an example one could mention the norms concerning child day care in the Sámi language. Consequently, the problems of implementation identified in this area are those that primarily concern legislation of a domestic origin. Regarding the international norms relevant to the use of Sámi, one should also note that most detailed obligations assumed by Finland

34 Suomen saamelaiskäräjät; http://www.samediggi.fi/index.php?option=com_frontpage&Itemid=39 (accessed 27 November, 2017).

35 Found at <https://noerehdiggi.wordpress.com> (accessed 27 November, 2017).

36 See: *supra* note: 18, 182–183.

apply to the area of the Sámi Homeland.³⁷ In the current circumstances, where more than 75% of the Sámi children are born outside the homeland area the future of the Sámi languages can be described endangered.

The Day Care Act is the only act in Finnish legislation that explicitly authorizes the use of the Sámi language in the field of social security. According to Section 11 of the Act, a municipality is obliged to provide day care in the native language of the child in question, be it Finnish, Swedish, or Sámi.³⁸ In practice, the implementation of the provision in the municipalities in the Sámi homeland varies, and there have been many difficulties in getting day care in the Sámi language. Parents and local Sámi associations have played a central role in starting day care and study circles in the Sámi language.³⁹ This goes also for cities outside the homeland area.

4.1 *Why Implementation is So Problematic?*

Securing the legal position of Sámi language teaching has not come true in practice mostly because of the municipal and state authorities' insufficient knowledge of the Sámi language and multiculturalism. In 2010, a language revitalisation programme was launched in Finland based on the Council of State report on Finland's human rights policy.⁴⁰ The goal is to carry out more comprehensive and long-term action to secure the survival and development of the Sámi language.⁴¹

In many instances, officials in the cities argue that there are insufficient financial resources and the lack of Sámi speaking staff make it difficult to establish and develop daycare in the Sámi language. Sometimes it is difficult to find good locations and facilities for the daycare,⁴² or too few children are enrolled. The situation is similar in the Sámi Homeland area, but a little bit better. Also, even parents who want their children to receive Sámi language learning find it challenging in their everyday life and struggle with logistics, transportation,

37 *Ibid.*, 2001, 182–183.

38 The Finnish Official Gazette SSK 19.1.1973/36 and 11.12.1981/875 (Laki lasten päivähoidosta) Day Care Act.

39 See: *supra* note: 18, 62.

40 Valtioneuvoston selonteot (VNS) [The Council of State Reports]. (2009). Valtioneuvoston selonteko Suomen ihmisoikeuspolitiikasta [The Council of State report on Finland's human rights policy]. from Edilex data base <http://www.edilex.fi/virallistieto/mt/uavm20100001>.

41 Pautamo 2010; Pigga Keskitalo, Kaarina Määttä & Satu Uusiantti (2012) Sámi education in Finland, *Early Child Development and Care*, 182:3–4, 329–343, DOI:10.1080/03004430.2011.646723.

42 Rovaniemen saamelaisvanhemmat ovat huolissaan saamenkielisen päivähoidon tilanteesta; 31.8.2017, <https://yle.fi/uutiset/3-9807620> (accessed 27 November 2017).

afternoon daycare etc. since the language learning might happen only in one place in the city.

In order to find solutions for better implementation in practice the Sámi have started to be active in the cities, mainly by establishing their own associations and networks. This article introduces examples from Helsinki and Rovaniemi. According to the *City-Sámi-Searvi* in Helsinki, the urban Sámi live inside two different cultures, the Sámi and the Finnish one. Their own Sámi organisation enables the channel for connection to their homeland and other Sámi, and also gives the possibility to practice their own culture and language and therefore strengthen the individual and collective Sámi identity. The *City-Sámi Searvi* association is a civil society organisation established in 1988 with approximately 120 members. The association was established by ethnic activists who have been active in many Sámi issues in the Finnish capital area. They do not have their own facilities in Helsinki, but there is a plan to build a Sámi Culture Centre in Helsinki in the coming years. The project has received funding for planning 97,000 Euros from the Ministry of Education and Culture. A new kindergarten called *Máttabiegga Giellabeassi* (South Wind Language Nest) was opened at 2013 in Helsinki by the support of *City-Sámi-Searvi* – where young children can now be immersed in the Sámi language. According to Ida-Maria Helander, one of two kindergarten teachers at *Máttabiegga*:

People are very pleased with this new opportunity for their children to learn their ancestral language – and they've also been impressed by the nice furnishings and materials we have here.

Máttabiegga language nest is built on a model for the revivalist teaching of minority indigenous languages called a "language nest," first devised in New Zealand for children of families with Maori roots. According to Sivi Jomppanen, *Máttabiegga*'s other teacher, they speak only Sámi to the kids, play games, sing songs and teach children new words, though they may answer in Finnish or Sámi as they prefer.

We try to teach them about Sámi culture too. In Sámi families children are expected to join in more often in what the adults are doing, and our kids help us a lot with things like baking and tidying up toys.

Máttabiegga is housed in a comfortable converted apartment. In 2016 it provides daycare and language immersion to approximately 10 children between the ages of one and four. When accepting new children, the daycare aims to prioritise kids who have Sámi family ties. The language nest was established

using funds from the Finnish Cultural Foundation and is run with funding from the Ministry of Education channeled through Finland's Sámi Parliament and the City-Sámit organisation, which brings together Sámi living in the Helsinki area. In Helsinki another day care centre *Troolari* offers a North-Sámi day care as part of another (Finnish) group in Helsinki.⁴³

For older children and adults Sámi language learning inside and especially outside the Sámi Homeland area is also provided by using long distance methods *e.g.* internet-based learning. Internet is full of material banks and virtual courses, dictionaries, children's books and games offered by different educational institutions in Sweden, Norway and Finland. For example *Kuáti* is a Sámi early education material bank provided by the Finnish Sámi Parliament.⁴⁴

Further north, closer to the Sámi homeland area in Rovaniemi, there are 29 daycare units and the *Galddázat* is the Sámi day care group for children under 7 years provided by the City of Rovaniemi. The group is established in connection with Finnish daycare centre and there are less than 10 children in two Sámi speaking groups. In Rovaniemi there is also North Sámi language nest called *Guovžabiedju*.⁴⁵

*Miiry*⁴⁶ is a Civil society organisation operating in Rovaniemi. It is expressed quite often that the economic funding of language and cultural projects towards the Sámi population is quite marginal outside the Sámi homeland area.⁴⁷ In addition, the number of Sámi in the voting register is not more than 200 in Rovaniemi. This has made it difficult to organise permanent services like Sámi kindergartens and teaching Sámi language in schools. Rovaniemi, therefore, has a rather low urban Sámi profile. The Sámi are more or less invisible in public in Rovaniemi and the aim is to increase the quality of the services that are produced, but there are no ambitious plans pointing towards an increase in the efforts to give Sámi language and culture greater attention. When asked about Sámi language activities in Rovaniemi a mother of three answers:

There's none! Very little. I feel angry about that mostly because of my kids.

And she continues:

43 See more Anne Länsman: *Saamen kieli pääkaupunkiseudulla* (Sámi language in the capital region), 2008.

44 Kuáti at <http://www.kuati.fi/fi/index.php>.

45 Opas kielipesälasten vanhemmille, Saamelaiskäräjät 2015.

46 "ry" is short in Finnish for registered association – rekisteröity yhdistys.

47 Niittyvuopio, E. "Synlighet som förutsättning för försoning. Et perspektiv från EvangeliskLutherska kyrkan i Finland." In: T. Johnsen & L. M. Skum (eds.), *Erkjenne fortid – forme framtid. Innspill til kirkelig forsoningsarbeid i Sápmi* (Stamsund: Orkana), 2013.

Only kindergarden in Sami, otherwise nothing. School has 2 hours a week in the evenings! I am also angry about that situation. My kids don't get Sami teaching because of bad organising.

Similar to Rovaniemi, also the Sámi in Oulu have their own association called the *Oulu Sámi ry.* and the Sámi living in the central Finland have *Sis-Suoma Sámisearvi Bárbmu rs.* in Jyväskylä. These all are active in organising different events, language courses and for example the national day events for the Sámi living in the cities.⁴⁸

5 Indigenous Identity – Current Challenges

Sámi youth are placed at center stage both in the demographic event of indigenous urbanization, and in the political events surrounding the widening of urban indigenous space: They are more likely to urbanize, and they are both actors and target groups in the sometimes quite stormy debates over urban Sámi policy. It is their Sáminess that is to survive or die in the city, they who are to learn or not to learn and practice their ancestral language. It is also a common trait of national movements that young and urban people tend to take a leading role – and the Sámi are no exception. This has much to do with the strong association between higher education and ethno-political activism, and the localization of higher education institutions in urban areas.⁴⁹

Current issues also reflect the political topics of the Sámi youth: According to the Sámi youth of Finland (*Suoma Sámi Nuorat, ssN*),

the hottest topic at the moment in Sámi issues in Finland is ILO 169 convention. In last government programme its ratification was an objective, but for example the president chosen by the Finnish people is against the ratification. ILO 169 is an international ratification convention, which tries to secure indigenous peoples better conditions to practice their traditional livelihoods and to maintain and to develop their language and their culture. Shortly said, it would be a really good thing.

48 See more in recent studies, Rahko-Ravantti, Rauna Saamelaisopetus Suomessa: tutkimus saamelaisopettajien opetustyöstä suomalaiskouluissa. Lapin yliopisto, 2016; Äärelä, Rauni Dat ii leat dušše dat giella. ["Se ei ole vain se kieli"] Tapaustutkimus saamenkielistä kielipesästä saamelaisessa varhaiskasvatuksessa, Lapin yliopisto, 2016.

49 Berg-Nordlie & Overland, *Bridging Divides: Ethno-Political Leadership among the Russian Sami*, New York: Berghahn Books, 2012.

Another important question for the SSN is the definition of a Sámi in Finland. According to the youth organisation,

there have also been questions about definitions of Sami ergo whom can be defined as a Sami. Some authorities and directions are complaining of Finnish definition for Samis which is not admittedly so watertight definition. It is very hard to define who really belong to a certain culture or to group of people. But a threshold should be placed on somewhere. The Finnish Sámi Parliament has required right for the Samis to define their own cultural people. The matter could be summed up with a question: is it correct that government of Italy or France or any other European country could determine; who is Finnish?

In Finland, the Sami identity is connected with the official status as a Sami. This is gained only through registration in the electoral roll of the Sámi Parliament, *Sámediggi*. As an official Sami one is also part of the indigenous people of Finland with the rights to participate for example Sámi language learning in the schools and naturally on decision-making through the Sámi Parliament, including issues legislated in the Sámi Act.

What makes a person indigenous? It is often stated that indigenous communities and their individual members draw their identity and form their world-view from specific historical and cultural contexts that include their own beliefs, social organisations, language, customs and knowledge.⁵⁰ Also, according to the views in the international law context, it is the indigenous peoples' connection with the land and waters that distinguishes them from other minorities.⁵¹ In Finland, indigenous status and identity is based on language criteria, in principle. In practice it is enough that one of their four grandparents dating back to the 1960s knew that one of his/her (of four) grandparents had Sami as the home language. This means that, if a person considers him/herself to be Sami, he/she is legally recognized as Sami generation after generation, even though descendants do not necessarily have any connections with the Sami culture, even the language. The case law has shown that persons living in Helsinki have formal status as Sámi, but, for example, a reindeer herder identifying himself as Sámi and descending from four Sámi grandparents are not recognized as Sámi, because the grandparents do not fulfill the language criteria anymore, or they were not interviewed in the 1960s. Naturally, this has

⁵⁰ Innocenti Digest, 2003.

⁵¹ See for example: How do minorities differ from indigenous peoples? <https://www.minorityrightscourse.org/mod/page/view.php?id=1591> (accessed 27 November, 2017).

caused feelings of injustice among the local Sámi who are not recognized by the Sámi Parliament and the Finnish State.

In the Finnish context the situation is paradoxical. As time passes, it becomes more and more impossible to find new people who can fulfill the language criteria, only those who are already included into the electoral roll meet the requirement. Future generations will fulfill the criteria only in subsection 3, since the act does not require that a person must speak the Sami language. The confrontation becomes even more distinct when realizing that almost 70% of the Finnish Sami live outside the administrative borders of the Finnish Sami Homeland region, very few of who speak the Sami languages.

The Sámi without the official status have started to be politically active by establishing their own organisation called *Vuovde-, guolásteaddji-ja duot-tarsámit rs.* (Forest, fishermen and mountain Sámi). Their position is acknowledged in the local and national level. They have for example been heard at the Finnish Parliament during the renewal of the Sámi Act and the ratification process of ILO Convention No. 169 in the spring 2015.

Traditionally, being a Sámi was considered to be connected to reindeer herding, language and traditional livelihoods in Sápmi. The urban Sámi communities are a good example of the evolving Sámi identity that is brought about by new times. It is for many, outsiders as well as Sámi themselves, a puzzling and confusing matter.⁵² Focus on indigenous homeland misses the fact that many urban indigenous inhabitants only have sporadic or even non-existent connections to a homeland. For instance, in Norway, many urban Sámi have lost this connection through the process of "Norwegianization".⁵³ It seems that there is a constant struggle of being "a real indigenous person" connected with reindeer herding, fishing etc. or being a "less indigenous" without traditional livelihoods and language.

In a conference organised by Youth Council (*Sámenuoraid konferánša*) in Helsinki 17.11.2015, the Chairman of the Finnish Sámi Parliament Tiina Sanila-Aikio expressed as her view, that "without lands there is no indigenous people". The overall message of the conference highlighted the ideal situation where young Sámi should be brought back to their homelands. According to Aslak-Uula Länsman,

⁵² Lehtola 2002, 86, according to Nyseth & Pedersen (2014).

⁵³ See more Høgmo, A. "Er det svunne kun en drøm? Kulturell endring i nordnorske lokalsamfunn." In: S. Jentoft, K. A. Røvik, & J. I. Nerggård (eds.), *Hvor går Nord-Norge? Et institusjonelt perspektiv på folk og landsdel*, pp. 291–303 (Stamsund: Orkana), 2012.

young Sámi should be allowed to travel abroad and see the world, as long as the Sámi homeland area is provided with living conditions that allows returning and makes it even tempting.

YLE 19.11.2015

Another young Sámi writes:

Today, many Sámi youth and children live in the cities where the maintaining and learning of the Sámi language is difficult. What is problematic, the youth often need to explain and defend their rights and own culture, this causes strong pressure. One can say that in many levels the Sámi rights do not come true equally with the Finns. It would be important to get Sámi education and kindergarten services all over Finland. Also language nests should be established and language revitalization is needed. For me the Sáminess is richness and the Sámi language is a gift. It has increased my awareness of the world and diversity of the people's. I am grateful that my mother and family has taught me the Sámi language. The fact that I'm born in the city has not created a gap between me and the other youth in Sámi homeland area. The social media is important in this context, to keep contacts. It is also important to participate to different yearly events.

NIILA RAHKO, *Youth Council Nuoraidráđđi*

6 Endnotes

The current discussion on Sámi right to receive education in Sámi adequately, in appropriate time, and in suitable places with proper resources is not a future challenge – it is a contemporary challenge. According to the international law and the Finnish Constitution Sámi, as indigenous people have a right to their own culture, including education and day care services in their own language. The legislation is adequate while the implementation is complicated. However, it cannot be that the surrounding society is the only one responsible for language learning, the upbringing and good will has to come from the families as well. Naturally, parents need support in this task.

In this context it is reasonable to highlight the construction of the Sámi society based on the strong relationship with the nature, the basis of the whole culture. The Sámi identity, life style, tradition, and more form the spiritual side of the culture. The situation of Sámi culture can be seen as resulting from the combination of the special Sámi language, history, mythology, folklore, literature, music, economy, nature, livelihoods, media, rights, education, art, and the

factors that explain their societal conditions. The maintenance of indigenous languages should be seen one of the most important factors in maintaining these cultures as a whole.

A touching description by Asta Balto describes the traditional Sámi upbringing *sámi bajásgeassin*:

The traditional Sámi upbringing consists of learning through work and play. Thus, indirect rearing epitomises Sámi upbringing as Sámi children learn – as it were unobserved – to take responsibility for their actions and living together with their families and surrounding people. The purpose of various approaches, such as *nárrideapmi* (pulling someone's leg), is to increase children's tolerance and sensitivity when communicating with people and simultaneously teach certain roles. Other indirect ways of rearing are, among others, *sollen*, arresting children's attention to other things in an unpleasant situation and addressing them in the third person. Furthermore, *máinnasteapmi*, narration or storytelling is an essential part of Sámi upbringing and means of teaching, sharing and transmitting cultural knowledge.⁵⁴

The right to receive education in one's own language is a basic human right. Sámi language(s) are one of the world's endangered indigenous languages. Statistics show that very few people (less than 2000 in Finland) are learning the language and actively using it in their everyday life. This is common Nordic phenomenon. States should recognize this fact and start planning effective manners to revitalize and maintain the languages. Because of the quite drastic situation more emphasis could also be paid to non-Sámi speakers who wish to learn new language(s). The language has a strong part of person's identity and is therefore especially important in the context of indigenous peoples. It has been analysed in recent pedagogical studies how Sámi education could be developed in Finland in a more cultural-sensitive manner. The research has suggested that indigenous peoples' education has to be built on their own cultural premises and values.⁵⁵

54 Balto, A. (1997). *Sámi ma'na'idbaja'sgeassin nuppa'stuvva'* [Sámi childrearing in change]. Oslo: ad Notam Gyldendal.

55 Bishop, R., & Glynn, T. (1999). *Culture counts. Changing power relations in education*. Palmerston North: Dunmore Press; Cajete, G. (1994). *Look to the mountain: An ecology of indigenous education*. Durango, CO: Kivaki Press.

According to Keskitalo's research,⁵⁶ there are difficulties in combining the Western school culture with Sámi culture at school. However, the question is not only about the collision of cultures because problematic issues are always linked with power relations as well⁵⁷ and Sámi education lacks self-determination leading to a situation where the Sámi do not have much control over the macro-level framework of education. In ideal circumstances, teaching would be based on the values of the surrounding.⁵⁸ Yet, it seems that the Sámi's real participation in national curriculum planning and defining the standards is limited. In many cases, the school systems ignore indigenous peoples when it comes to decision-making, curriculum design, selecting teachers and learning materials as well as defining the standards. In addition, learning materials do not usually provide correct and accurate information about the cultures of indigenous peoples.⁵⁹ Developing the practices of Sámi education necessitates the creating of a pedagogy that leans on Sámi culture.⁶⁰ In the long-term this would benefit both the organising authorities and speakers of the language.

- 56 Keskitalo, P. (2010). Saamelaiskoulun kulttuurisensitiivisyyttä etsimässä" kasvatusantropologian keinoin [Cultural sensitivity in the Sámi School through educational anthropology]. (Diedut 1/2010). Guovdageaidnu: Sámi allaskuvla.
- 57 Kuokkanen, R. (2009). Boaris dego eana. Eamia lbmogiid diehtu, filosofijjat ja dutkan [Old like the Earth. Knowledge, philosophy and research of indigenous peoples]. Kárás'johka: C'álliid La'gádus.
- 58 Hollins, E. R. Foreword. In H. Kohl (Ed.), Culture in school learning: Revealing the deep meaning (pp. xi–xii). New York, NY: Routledge, 2008.
- 59 King, L., & Schiermann, S. The challenge of indigenous education: Practice and perspectives. Paris: UNESCO, 2004.
- 60 Keskitalo, P., & Määttä, K. Sámi pedagogihka ies'vuodat / Saamelaispedagogiikan perusteet / The Basics of Sámi Pedagogy / Grunderna i samisk pedagogik / Psopcg saanslpkqfek. Rovaniemi: Lapland University Press, 2011.